

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:05cv311**

**UNITED STATES OF AMERICA, )**

**Plaintiff, )**

**vs. )**

**\$24,990.00 in UNITED STATES )  
CURRENCY, )**

**Defendant. )**

**FINAL JUDGMENT**

**THIS MATTER** is before the Court on the Plaintiff's motion for entry of final judgment of forfeiture based on the Defendant's default.

By Order entered April 5, 2006, the Magistrate Judge noted that a claimant, Marc McDaniel, had moved for leave to withdraw his claim but had failed to move to withdraw his answer. The Magistrate Judge provided claimant with a ten day period within which to do so. The claimant, who is represented by counsel, has never moved to withdraw his answer; however, the Magistrate Judge allowed him to withdraw his claim by virtue of the April Order.

The Court finds that the claimant's failure to move to withdraw his answer constitutes a default. As a result, the Court will strike the answer and allow the Plaintiff's motion for default.

**IT IS, THEREFORE, ORDERED** that the answer of Marc McDaniel is hereby deemed **STRICKEN** as of April 24, 2006 and he is deemed to be in default as of that date.

**IT IS FURTHER ORDERED** that the Plaintiff's motion for judgment of default, entry of default and final judgment of forfeiture is hereby **GRANTED** and the Defendant \$24,990.00 in United States currency is hereby forfeited to the United States.

The United States Marshal is directed to dispose of the property as provided by law.

Signed: June 12, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

